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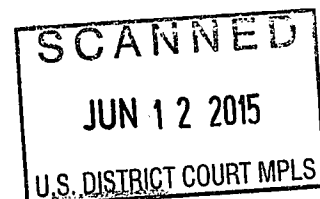
JUN 12 2015

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTACLERK
U.S. DISTRICT COURT
MINNEAPOLIS MINNESOTA

UNITED STATES OF AMERICA,)	Case No 15-mj-382 (JSM)
)	
v.)	MOTION FOR GOVERNMENT
Plaintiff,)	AGENTS TO RETAIN ROUGH
ZACHARY LEE MORGENSTERN,)	NOTES AND EVIDENCE
)	
Defendant.)	

The defendant, by and through his undersigned attorney, pursuant to Title 18, United States Code, Section 3500 et. seq., Brady v. Maryland, 375 U.S. 83 (1963), and Rule 16 of the Federal Rules of Criminal Procedure, moves the Court for an Order requiring any law enforcement agent, including any confidential reliable informants, to retain and preserve all rough notes taken as a part of their investigation, whether or not the contents of such rough notes are incorporated in official records. In addition, defendant moves for an order directing any and all officials involved in this case to preserve the evidence seized in the course of their investigation. Defendant so moves on the following grounds:

1. Rough notes are considered statements within the meaning of Title 18, United States Code, Section 3500(e)(1); United States v. Bernard, 607 F.2d 1257 (9th Cir. 1979); United States v. Gaston, 608 F.2d 607 (5th Cir. 1979);
2. Destruction of rough notes by law enforcement officials usurps the judicial function of determining what evidence must be produced. United States v. Harris, 543 F.2d 1247 (9th Cir. 1976);
3. The rough notes may contain facts favorable to the defense.



4. The evidence seized is directly relevant to issues ranging from defendant's guilt or innocence to sentencing considerations. Its inspection and use as provided for under Rule 16(c) of the Federal Rules of Criminal Procedure, will be rendered impossible if is altered or destroyed.

This motion is based on the indictment, the records and proceedings herein, such testimony as may be presented at the motion, and any briefing which the court may require thereafter.

Dated: June 11, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew H. Mohring', with a long horizontal flourish extending to the right.

ANDREW H. MOHRING
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